IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 30TH MARCH 2007 / 9TH CHAITHRA 1929

WP(C).No. 32146 of 2006(B)

PETITIONER:

P.K.VIJAYAN,
PUTHENKANDATHIL HOUSE, PERUVA P.O.,
KOTTAYAM.

BY ADV. SRI.P.DEEPAK.

RESPONDENTS:
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1. **REGIONAL TRANSPORT AUTHORITY,**
   KOZHIKODE, REPRESENTED BY ITS SECRETARY,
   KOZHIKODE.

2. **SECRETARY,**
   REGIONAL TRANSPORT AUTHORITY, KOZHIKODE.

3. **THE K.S.R.T.C.,**
   REPRESENTED BY ITS DTO, KOZHIKODE.

4. **THE REGIONAL TRANSPORT AUTHORITY,**
   ERNAKULAM.

BY ADV. SHRI.JOHNSON P.JOHN, SC, KSRTC,
GOVERNMENT PLEADER SMT. SMITHA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/03/2007, ALONG WITH W.P.(C). NO.3824/2005 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.32146/2006:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE PROCEEDINGS OF THE R.T.A., KOZHIKODE DTD. 15/07/06.

EXT.P.2: COPY OF THE MEMORANDUM OF REVISION PETITION IN MVARP. NO. 383/2006.

EXT.P.3: COPY OF THE ORDER DTD. 19/10/2006 IN MVARP. NO. 383/2006.

EXT.P.4: COPY OF THE COMMON ORDER DTD. 19/10/2006 IN MVARP. NO. 382 & 384/2006.

EXT.P.5: COPY OF THE ORDER DTD. 19/10/2006 IN MVARP. NO. 381/2006.

RESPONDENT'S EXHIBITS:

EXT.R3.A: COPY OF THE NOTIFICATION DTD. 04/08/06.

EXT.R3.B: COPY OF THE KOZHIKODE-KASARAGODE SCHEME.

EXT.R3.C: COPY OF THE KOZHIKODE- GURUVAYOOR SCHEME.

EXT.R3.D: COPY OF THE ERNAKULAM-PAYYANNUR SCHEME.

//TRUE COPY//

prv.

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) Nos.32146, 32138, 32541 & 32504 of 2006,
3824/2005 & 112 & 742/2007

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Dated this the 30th day of March, 2007.

JUDGMENT

The connected writ petitions are filed by stage carriage operators whose applications for renewal of permit and concurrence have been rejected on the ground that the route exceeds 140 kilometres which cannot be allowed to be operated as LSOS. However, petitioners' case is that they are willing to operate as Fast Passenger or any other class of service permissible under the Motor Vehicles Rules on payment of higher tax or on complying with other conditions. The R.T.As. have not considered this claim either at the renewal stage or while considering request for concurrence. Standing Counsel for KSRTC raised a contention that many routes are nationalised and there is prohibition against renewal of permit over notified routes. I do not think there is any need to go into the separate objection of KSRTC which can be considered while considering renewal of permit for the petitioners' vehicles as Fast Passenger or any other service other than LSOS. The W.Ps. are accordingly disposed of vacating the impugned orders of the STAT and R.T.As. with direction to the R.T.As. to consider application for renewal of permit as Fast Passenger or any other

eligible service other than LSOS after considering the objection of KSRTC in each and every case. Temporary permits granted to such of the operators will be renewed till 30th June, 2007 within which time the R.T.As. will pass orders on concurrence and renewal applications. The petitioners will produce copy of this judgment to avoid delay in disposal of cases. The R.T.As. are directed to pass orders on concurrence within six weeks from the date of production of copy of this judgment and within the following six weeks final orders should be passed by R.T.As. on renewal of permits. I make it clear that concurrence and renewal should be considered based on the class of service which petitioners want to operate, which will be informed by petitioners.

C.N.RAMACHANDRAN NAIR
Judge

pms